1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 CENTRAL DISTRICT OF CALIFORNIA 9 10 11 PHILIP MICHAEL FERNANDEZ III, Case No. EDCV 06-1054-GHK (JTL) 12 Petitioner, ORDER ADOPTING FINDINGS. CONCLUSIONS, AND 13 RECOMMENDATIONS OF UNITED ٧. STATES MAGISTRATE JUDGE 14 W.J. SULLIVAN, Warden, 15 Respondent. 16 17 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the Petition for Writ of 18 Habeas Corpus, all the records and files herein, and the Final Report and Recommendation of 19 the United States Magistrate Judge. The Court concurs with and adopts the findings, 20 conclusions and recommendations of the Magistrate Judge. 21 IT IS ORDERED as follows: 22 (1) the Petition is DENIED with respect to Grounds Two and Three; and 23 (2) the Petition is GRANTED with respect to Ground One and a conditional writ of 24 habeas corpus shall issue as follows: Respondent shall discharge Petitioner from all adverse 25 consequences of his conviction on Count One in Riverside County Superior Court Case 26 /// 27 /// 28 ///

1	Number RIF110327, unless Petitioner is brought to retrial within ninety (90) days of the date the		
2	judgment herein becomes final, plus any additional delay authorized by state law.		
3	LET JUDGMENT BE ENTERED ACCORDINGLY.		
4			/ him
5	DATED: _	6/12/09	CEODOE II KING
6			GEORGE H. KING UNITED STATES DISTRICT JUDGE
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